

रजिस्टर्ड नं० पी० ६७



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, वीरवार, २८ नवम्बर, १९६८/७ अग्रहायण, १८६०

GOVERNMENT OF HIMACHAL PRADESH

VIDHAN SABHA SECRETARIAT

NOTIFICATION

Simla-4, the 20th November, 1968

No. 1-62/68-VS.—In pursuance of Rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1964, the following Bills as introduced in the Legislative Assembly on the

20th November, 1968 are hereby published in the Himachal Pradesh Government Gazette:—

1. The Himachal Pradesh Agricultural Pests, Diseases and Noxious Weeds Bill, 1968 (Bill No. 44 of 1968).
2. The Himachal Pradesh Repealing Bill, 1968 (Bill No. 46 of 1968).
3. The Himachal Pradesh (Extension of Laws) Bill, 1968 (Bill No. 47 of 1968).

SURENDRANATH,
Under Secretary.

Bill No. 44 of 1968

**THE HIMACHAL PRADESH AGRICULTURAL PESTS,
DISEASES AND NOXIOUS WEEDS BILL, 1968**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

to provide for the prevention of the introduction, spread or reappearance of pests, plant diseases and noxious weeds injurious to crops, plants or trees in the State of Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth Year of the Republic of India as follows:—

PART I

PRELIMINARY

1. (1) This Act may be called the Himachal Pradesh Agricultural Pests, Diseases and Noxious Weeds Act, 1968.

**Short title
and extent.**

(2) It extends to the whole of the State of Himachal Pradesh.

2. In this Act, unless there is anything repugnant in the subject or context;—

Definitions

- (1) “pest” means any insect, vertebrate or invertebrate animal declared to be pest by notification under section 3;
- (2) “inspector” means an inspector appointed under section 10;
- (3) “notified area” means any area specified in the notification issued under section 3 in which a declaration made under the said section shall remain in force;
- (4) “noxious weed” means any weed declared to be noxious weed by notification under section 3;
- (5) “occupier” means the person having for the time being the right of occupation of any land or premises or his authorised agent or any person in actual occupation of the land or premises and includes a local authority having such right of occupation or in such actual occupation;
- (6) “plant” includes all agricultural or horticultural crops, trees, bushes or herbs or the seed, fruit or any other part thereof which is used for food of man or beast or for any purpose in connection with art or manufacture;
- (7) “plant disease” means any fungoid, bacterial virus, parasitical or other disease declared to be a plant disease by notification under section 3;
- (8) “prescribed” means prescribed by rules made under this Act;
- (9) “State” means the Union territory of Himachal Pradesh;
- (10) “State Government” means the Government of Himachal Pradesh.

PART II

PESTS, PLANT DISEASES AND NOXIOUS WEEDS

Power to declare insect, vertebrate or invertebrate animal, plant disease and noxious weed and direct measures to eradicate or prevent them.

3. Whenever it appears to the State Government that any insect, vertebrate or invertebrate animal, disease or weed is injurious to plants in any local area and that it is necessary to take measures to eradicate such insect, vertebrate or invertebrate animal disease or weed, or to prevent its introduction, spread or reappearance, the State Government may, by notification in the Official Gazette,—

- (i) declare such insect, vertebrate or invertebrate animal to be pest or such disease or weed to be a plant disease or noxious weed, respectively;
- (ii) specify the local area within which and the period during which such declaration shall remain in force;
- (iii) prohibit or restrict the movement or removal of any plant, earth, soil, manure or other thing from one place to another;
- (iv) direct the carrying out of such preventive or remedial measures, including the destruction of any pest, plant disease or noxious weed or any plants as the State Government may deem necessary, in order to eradicate such pest, disease or weed or to prevent its introduction, spread or reappearance; and
- (v) prescribe the period within which it shall not be lawful to plant with a specified crop the whole or any portion of the notified area.

Duties of occupier on the issue of a notification under section 3.

4. (1) On the issue of a notification under section 3, every occupier within the notified area shall be bound to carry out the preventive or remedial measures mentioned in such notification.

(2) Notwithstanding anything contained in this Act, in the event of any area being invaded, or in danger of an invasion, by locusts, the Collector of the district or other officer authorised by him in this behalf may call upon any male person not below the age of 14 years resident in the district to render all possible assistance in carrying out preventive or remedial measures and in the destruction of locusts:

Provided as follows:—

- (i) no person who is by virtue of old age or any physical disability incapable of rendering assistance or who lives at a distance of more than five miles from the place where his presence is required, shall be called upon to render any such assistance;
 - (ii) it shall not be necessary to notify every person individually for his services, and a proclamation by beat of drum or other customary mode in the village or locality shall be deemed sufficient notice to all affected persons residing in that village or locality.
- (3) Any person who fails to render the assistance required of him under sub-section (2) shall, on conviction by a Magistrate, be punishable with fine which may extend to fifty rupees or in default to simple imprisonment for a period not exceeding ten days, and the offence shall be tried summarily as provided in section 260 of the Code of Criminal Procedure, 1898.

Power of Inspector to enter upon any land or premises.

5. Any Inspector may, after giving the prescribed notice, enter upon any land or premises, situated in the notified area within his local jurisdiction for the purpose of ascertaining:—

- (i) whether there is any pest, plant disease or noxious weed on such land or premises; and
- (ii) whether the preventive or remedial measures or both as the case may require, mentioned in the notification issued under section 3 have been carried out.

6. (1) If, on the inspection of any land or premises under section 5, the Inspector finds that there is any pest, plant disease or noxious weed on such land or premises and that the preventive or remedial measures mentioned in the notification issued under section 3 have not been carried out, the Inspector may, subject to any general or special orders of the State Government, call upon the occupier of such land or premises, by notice in writing, to carry out such preventive or remedial measures within the time specified in such notice.

Notice to occupier to carry out preventive or remedial measures.

(2) Within seven days from the date of the service upon him of the notice under sub-section (1), the occupier may prefer an appeal to the Collector or to such other officer as the State Government may appoint.

(3) On receipt of the appeal under sub-section (2), the Collector or other officer, as the case may be, may extend the time specified in the notice under sub-section (1) and shall, after giving the occupier an opportunity of being heard, pass such order on the appeal as he thinks fit.

(4) An order passed under sub-section (3) of this section shall be final and conclusive and shall not be liable to be called in question in any court.

7. (1) If any occupier, upon whom a notice has been served under sub-section (1) of section 6, does not comply with such notice within the time specified therein, or if an appeal has been preferred under sub-section (2) of section 6, does not comply with the order passed on such appeal within the time specified in such order, the Inspector may carry out at the expense of the occupier the preventive or remedial measures mentioned in such notice or order.

Failure to comply with notice under section 6 and power of Inspector to carry out measures.

(2) The costs of any preventive or remedial measures carried out under sub-section (1) shall be payable by the occupier and shall be recoverable from him as an arrear of land revenue.

(3) Any such occupier may, within thirty days from the date of the first demand of such costs from him, prefer an appeal to the Collector or to such other officer as the State Government may appoint in this behalf, on the ground that:—

(i) the costs include charges for items other than the cost of labour, material or use of implements; or

(ii) the charges for labour or material or use of implements are unreasonably high.

(4) On receipt of the appeal under sub-section (3), the Collector or other officer appointed by the State Government shall, after giving the occupier an opportunity of being heard, pass such order thereon as he thinks fit.

(5) An order passed under sub-section (4) shall be final and conclusive and shall not be liable to be called in question in any court.

8. (1) If any pest, plant disease or noxious weed appears in any village adjoining a notified area, the patwari or lambardar of such village shall forthwith report the fact to such officer as the State Government may appoint in this behalf.

Duty of certain village officers to report appearance of pest, plant disease or noxious weed.

(2) The officer aforesaid shall, on receipt of such report and after making such further inquiry as he may deem necessary, forward it to the State Government through the Director of Agriculture with his remarks thereon.

Offences and penalties.

9. (1) Whoever removes any plant, earth, soil, manure or other thing in contravention of the directions contained in a notification issued under section 3 shall, on conviction by a Magistrate, be punishable with fine which may extend to rupees fifty or in default to simple imprisonment for a period not exceeding ten days.

(2) Any occupier who fails to comply with a notice given under sub-section (1) of section 6 or with any order passed on appeal under sub-section

(3) of section 6 shall, on conviction by a Magistrate, be punishable with fine which may extend to rupees fifty or in default to simple imprisonment for a period not exceeding ten days.

(3) Whoever having once been convicted of an offence under subsection (1) or (2) of this section is again convicted of an offence under either of these sections shall be punishable with fine which may extend to rupees two hundred and fifty or in default to simple imprisonment not exceeding one month.

PART III

GENERAL

Appoint-
ment of
Inspectors.

10. The State Government may, by notification in the Official Gazette, appoint persons as Inspectors for such local areas as may be specified in the notification.

Bar of suits
or other
legal pro-
ceedings.

11. (1) No suit, prosecution or legal proceedings shall lie against the State Government or any officer of the State Government in respect of anything in good faith done or intended to be done under this Act or for any damage to property caused by any action taken in good faith in carrying out the provisions of this Act.

(2) No prosecution under this Act shall be commenced without the previous sanction of the Collector or other officer authorised by the State Government in this behalf nor after three months from the date of the commission of the alleged offence.

Delegation
of powers.

12. The powers conferred on the State Government under this Act, may, with the exception of the powers under section 13, be delegated by the State Government to any officer.

Rules

13. (1) The State Government may, from time to time, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following purposes:—

- (a) the form or manner of giving notice under section 5;
- (b) the manner of making an inquiry under section 5;
- (c) the method of publication of description of pests, plant diseases, noxious weeds and the treatment to be followed;
- (d) the qualifications required of the Inspectors;
- (e) prescribing the officer to whom an appeal may be made and procedure to be followed in such appeal;
- (f) prescribing the notices and methods of services thereof and registers needed for the effective working of the Act; and
- (g) generally to carry out the purposes of this Act.

(3) The rules made under this section shall be subject to the condition of being made after previous publication.

(4) The rules under this Act shall, as soon as may be after they are made, be laid before the Legislative Assembly.

Repeal and
savings.

14. The East Punjab Agricultural Pests, Diseases and Noxious Weeds Act, 1949 as in force in Himachal Pradesh is hereby repealed:

Provided that anything done or any action taken under the said Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provision of this Act.

STATEMENT OF OBJECTS AND REASONS

At present, the East Punjab Agricultural Pests, Diseases and Noxious weeds Act, 1949, which provides for the prevention of the introduction, spread or reappearance of pests, plant diseases and noxious weeds, injurious to crops, plants or trees, is in force with different modifications and provisions of law, in the two different areas of Himachal Pradesh, viz., the areas transferred to Himachal Pradesh under section 5 of the Punjab Reorganisation Act, 1966 and the areas comprised in Himachal Pradesh immediately before 1st November, 1966. With a view to bringing about uniformity in the matter of such law, it is necessary to have a unified law for the whole of Himachal Pradesh, by repealing the Punjab Act. This Bill seeks to achieve the object.

SIMLA :
The 20th November, 1968.

SUKH RAM,
Development Minister.

FINANCIAL MEMORANDUM

Nil

MEMORANDUM ON DELEGATED LEGISLATION

Clause 13 of the Bill empowers the State Government to make rules in respect of the matters mentioned therein. The rules shall be made after previous publication, and shall, as soon as may be after they are made, be laid before the Legislative Assembly.

THE HIMACHAL PRADESH REPEALING BILL, 1968
(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A
BILL

to repeal certain enactments.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Himachal Pradesh Repealing Act, 1968.

Repeal of certain enactments.

2. The enactments specified in the Schedule are hereby repealed.

Savings.

3. The repeal by this Act of any enactment shall not—

- (a) affect any other enactment in which the repealed enactment has been applied, incorporated or referred to; or
- (b) revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force; or
- (c) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or
- (d) affect any right, title, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or
- (e) affect any remedy or proceeding in respect thereof, or any release or discharge of, or from, any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing under any enactment so repealed; or
- (f) affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same, respectively, may have been in any manner affirmed, or recognised or derived by, in or from any enactment hereby repealed; or
- (g) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed;
- (h) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment, as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

THE SCHEDULE

(See section 2)

Year	Number	Short title	Extent
1930	1	The Punjab Regulation of Accounts Act, 1930, as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.	The whole
1942	7	The Music in Muslim Shrines Act, 1942, as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.	The whole
1947	15	The East Punjab Movable Property (Requisitioning) Act, 1947, as extended to Himachal Pradesh, vide Government of India, Ministry of Home Affairs notification No. 4/9/61-Judl. II.UTL-52, dated 19-10-1962.	The whole
1948	23	The East Punjab Cotton (Statistics) Act, 1948, as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.	The whole
1948	25	The East Punjab Opium Smoking Act, 1948, as in force in the areas comprised in Himachal Pradesh prior to 1st November, 1966.	The whole
1949	2	The East Punjab Conservation of Firewood Supplies Act, 1949, as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.	The whole
1950	1	The Punjab Sugar Factories Control Act, 1950, as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.	The whole
1952	2	The Punjab Cotton (Prevention of Adulteration) Act, 1952, as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.	The whole
1955	2	The Punjab Cotton (Ginning and Pressing) Factories Act, 1955, as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.	The whole
1956	16	The Punjab Industrial Housing Act, 1956, as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.	The whole

STATEMENT OF OBJECTS AND REASONS

There are certain Acts (as specified in the Schedule to this Bill) which are no longer required either because these have no utility in Himachal Pradesh or have become obsolete. Acts No. 23 of 1948 and 2 of 1952 are not needed because the area under cotton crop in Himachal Pradesh is negligible. Acts No. 2 of 1955 and 1 of 1950 are infructuous for the reason that there are no such factories in Himachal Pradesh for which these Acts were enacted in the Punjab. Act No. 16 of 1956 has no utility for the reason that there is no subsidized industrial housing scheme for which this Act was enacted by the Punjab Government. Acts No. 2 of 1949 and 7 of 1942 are not needed in Himachal Pradesh. Act No. 25 of 1948, viz., the East Punjab Opium Smoking-Act, 1948, is in force in the old areas of Himachal Pradesh. This very Act has been repealed in the Punjab and it is considered necessary to repeal it in Himachal Pradesh as well. Acts No. 1 of 1930 and 15 of 1947 are no longer required to be kept in force.

All the above Acts are required to be repealed by an enactment, and this Bill seeks to achieve this object.

SIMLA:
The 20th November, 1968.

KARAM SINGH,
Finance Minister.

FINANCIAL MEMORANDUM

Nil

MEMORANDUM REGARDING DELEGATED LEGISLATION

Nil

Bill No. 47 of 1968

THE HIMACHAL PRADESH (EXTENSION OF LAWS) BILL, 1968

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

to provide for the extension of certain laws as applicable to, or in force in, the areas as comprised in Himachal Pradesh immediately before the 1st November, 1966, to areas as added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh (Extension of Laws) Act, 1968.

Short title and commencement.

(2) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(a) "Official Gazette" means Rajpatra, Himachal Pradesh;

(b) "old areas" means the areas as comprised in Himachal Pradesh immediately before 1st November, 1966;

(c) "schedule" means a schedule appended to this Act;

(d) "State Government" means the Government of Himachal Pradesh; and

(e) "transferred territories" means the territories which were added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.

3. All the enactments, as amended from time to time, specified in schedule I, which are applicable to, or in force in, the old areas and all rules, regulations, notifications, orders and bye-laws made, and all directions or instructions issued, thereunder, which are in force immediately before the commencement of this Act, are hereby extended to, and shall be in force in, the transferred territories.

Extension of certain laws to transferred territories.

4. In the enactments, or rules, regulations, notifications, orders and bye-laws made, and directions, or instructions issued, thereunder, as referred to in section 3, any reference—

Construction of certain references.

(1) to the law which is not in force in the transferred territories shall in relation to such territories, be construed as a reference to the corresponding law, if any, in force in such territories; and

(2) to the Union territory of Himachal Pradesh, by whatever form of words, shall be construed as including a reference to the transferred territories.

5. If, immediately after the commencement of this Act, there is in force in the transferred territories any law corresponding to any of the enactments or rules, regulations, notifications, orders and bye-laws made, and directions or instructions issued, thereunder, extended to those territories, by section 3, that law including the enactments specified in schedule II, shall, on the commencement of this Act, save as otherwise expressly provided in this Act, stand repealed:

Repeal and savings.

Provided that such repeal shall not affect:—

- (a) the previous operation of any law so repealed or anything duly done or suffered thereunder, or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed, or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed, or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment, as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed:

Provided further that anything done or any action taken under any law so repealed shall be deemed to have been done or taken under the corresponding provision of the enactment extended by section 3 to the transferred territories, and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under the enactment so extended.

Powers of courts and other authorities for purposes of facilitating the application of the enactments specified in schedule I or rules etc.

6. For the purposes of facilitating the application in the transferred territories of any enactment specified in schedule I or of any rule, regulation, notification, order, bye-law, direction or instruction referred to in section 3, any court or other authority may construe the same with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the court or other authority.

Power to make rules, etc. not to be affected.

7. Nothing contained in this Act shall affect the power of the State Government or of any officer or authority, exercisable under the enactments specified in schedule I, to add to, amend, vary or rescind the rules, regulations, notifications, orders and bye-laws made, and directions or instructions issued, as extended by section 3 to the transferred territories.

Power to remove difficulties.

8. If any difficulty arises in giving effect, in the transferred territories, to the provisions of any enactment specified in schedule I, the State Government may, by order notified in the Official Gazette, make such provisions or give such directions as appear to it to be necessary or expedient for the removal of the difficulty.

SCHEDULE I

(See section 3)

Serial No.	Year	Number of Act	Name of the Act
1.	1953	1	The Himachal Pradesh Juveniles (Prevention of Smoking) Act, 1952.
2.	1955	8	The Himachal Pradesh Prevention of Ex-communication Act, 1955.
3.	1964	4	The Himachal Pradesh Dramatic Performances Act, 1964.
4.	1964	6	The Himachal Pradesh Village and Small Towns Patrol Act, 1964.
5.	1964	11	The Himachal Pradesh Corneal Grafting Act, 1964.
6.	1966	4	The Himachal Pradesh Anatomy Act, 1966.

SCHEDULE II

(See section 5)

Serial No.	Year	Number of Act	Name of the Act
1.	1918	7	The Punjab Juveniles Smoking Act, 1918.
2.	1918	8	The Punjab Village and Small Towns Patrol Act, 1918.
3.	1963	13	The Punjab Corneal Grafting Act, 1963.
4.	1963	14	The Punjab Anatomy Act, 1963.
5.	1964	10	The Punjab Dramatic Performances Act, 1964.

STATEMENT OF OBJECTS AND REASONS

As a result of the transfer of hilly areas to Himachal Pradesh on the re-organisation of the erstwhile State of Punjab with effect from 1st November, 1966, there have been in force in Himachal Pradesh two different laws on certain subjects. With a view to bringing about uniformity, it has been considered proper to extend the laws on those subjects as in force in the old areas, to the areas transferred to Himachal Pradesh as a result of the said re-organisation and to repeal the corresponding laws as in force there.

2. The Himachal Pradesh *Ex-communication* Act, 1955, which prohibits *ex-communication*, is in force in the old areas of Himachal Pradesh, but no such law is in force in the transferred areas. It has, therefore, been considered necessary to extend this Act to the transferred areas to achieve uniformity. This Bill seeks to achieve the aforesaid object.

SIMLA:
The 20th November, 1968.

KARAM SINGH,
Finance Minister.

FINANCIAL MEMORANDUM

Nil

MEMORANDUM REGARDING DELEGATED LEGISLATION

Nil